

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROKO JUNCAJ, et al.,
Petitioners,

No. 1:08-cv-425

-v-

HONORABLE PAUL L. MALONEY

VINCENT CLAUSEN, et al.,
Respondents.

ORDER REJECTING REPORT AND RECOMMENDATION AS MOOT

ORDER DENYING MOTION FOR SUMMARY JUDGMENT AS MOOT

ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS AS MOOT

In March 2007, the Bureau of Immigration Appeals (BIA) affirmed an Immigration Judge's order to remove Petitioners from the United States. Petitioners appealed the BIA's decision to the Sixth Circuit Court of Appeals. In September 2007, Petitioners were detained by Immigration and Customs Enforcement. Petitioners filed a habeas petition for their release from custody in May 2008. In August 2008, Petitioners filed a motion for summary judgment. Petitioners were released from custody sometime after October 2008, when Petitioners filed their reply in support of their motion. In February 2009, the Magistrate Judge issued a report recommending the petition for writ of habeas corpus and the motion for summary judgment be denied. In March 2009, the Sixth Circuit vacated the BIA's decision and remanded the proceedings to the Immigration Court. *Juncaj v. Holder*, No. 07-3539, slip op. at 13-14 (6th Cir. Mar. 16, 2009). Petitioners filed a status report indicating their habeas petition is moot.

In light of the Sixth Circuit's decision and Petitioners' status report, the petition (Dkt. No. 1) for writ of habeas corpus and Petitioners' motion (Dkt. No. 4) for summary judgment are **DENIED AS MOOT**. The Report and Recommendation (Dkt. No. 11) is **REJECTED AS MOOT**. **IT IS SO ORDERED.**

Date: April 28, 2009

/s/ Paul L. Maloney

Paul L. Maloney
Chief United States District Judge